

STATE OF INDIANA	)	IN THE DEKALB CIRCUIT/SUPERIOR COURT
	) SS:	
COUNTY OF DEKALB	)	CAUSE NO. 17 -CT-
		17D011210 CT 00031
JONATHON L. ANDERSON,	)	
	)	
Plaintiff	)	
v.	)	
	)	
FAMILY DOLLAR and/or LMS	)	
INTELLIBOUND, INC., and/or	)	
PROGRESSIVE LOGISTIC SERVICES,	)	
	)	
Defendants.	)	

**FILED**

OCT 26 2012

*Mark Shinn*  
Clerk DeKalb Superior Court 1

**COMPLAINT**

Comes now Plaintiff, by counsel, and alleges against the Defendant as follows:

1. The Plaintiff is Jonathon L. Anderson, a resident of Noble County, Kendallville, Indiana, and an employee of the Defendants at all material times to this Complaint. Mr. Anderson is a Black/African-American gentleman.
2. The Defendant is Family Dollar, a company at which Plaintiff worked through LMS Intellibound, Inc. which is doing business at 100 County Road 31, Ashley, Indiana 46705, and with a home office located at 6525 The Corners Parkway, Suite 520, Norcross, GA 30092. The Defendant is an "employer" for the purposes of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, ("Title VII"), and 42 U.S.C. § 1981.
3. Plaintiff was placed at Family Dollar by Progressive Logistics Services ("PLS"), and Plaintiff called PLS repeatedly to complain and report racial harassment. PLS did nothing to remedy or correct the harassment/discrimination. In fact, Family Dollar, LMS Intellibound, and PLS all terminated Plaintiff out of retaliation for reporting a racially hostile work environment.
4. The Plaintiff filed a charge of discrimination on July 2, 2012,

EC-0131-812/24D-2012-00324, a copy of which is attached hereto, incorporated herein, and made a part hereof as Exhibit "A". The EEOC issued its Dismissal and Notice of Rights/Notice of Suit Rights on or about July 31, 2012, a copy of which is attached hereto as Exhibit "B". All administrative remedies have been exhausted, and all jurisdictional pre-requisites have been met for the filing of this suit.

5. The Plaintiff worked for the Defendant from on or about April 8, 2012 until on or about July 2, 2012. He performed within the reasonable expectations of the employer throughout his employment. He was one of only three Blacks working for the Defendant. Management was all white. Defendant treated Plaintiff differently (worse than) similarly situated whites regarding the terms, conditions, privileges and benefits of employment.
6. On or about June 14, 2012, the Plaintiff was falsely accused by a security guard of stealing a double stick of deodorant from the employer. The allegation was false. On or about June 18, 2012, the Plaintiff was suspended indefinitely by the Defendant, pending an investigation into the allegation.
7. The Plaintiff was never reinstated to his position, but ultimately terminated, in spite of his innocence, and in spite of a surveillance video that was reviewed by the Defendant which failed to show the Plaintiff stealing anything.
8. The Plaintiff contends that the proffered reason for termination (alleged theft) was false and pre-textual, and that in reality he was discriminated against and wrongfully terminated on the basis of his race Black/African-American, in violation of the Plaintiff's federally protected rights under Title VII and § 1981.
9. The Defendants wrongful and discriminatory conduct furthermore was a direct and proximate cause of the Plaintiff suffering the loss of his job and job related benefits

including income, and subjected the Plaintiff to inconvenience, mental anguish, emotional distress, and other damages and injuries.

10. The Defendant's wrongful and discriminatory conduct furthermore was intentional, willful, wanton, and in reckless disregard of the Plaintiff's federally protected rights under Title VII and § 1981, justifying an imposition of punitive damages.

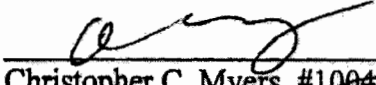
WHEREFORE, the Plaintiff respectfully requests judgment against the Defendant for compensatory damages, punitive damages, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

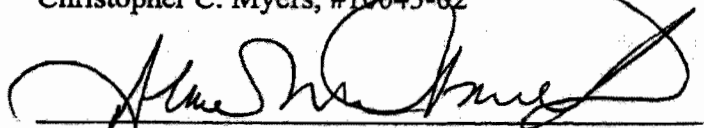
**JURY DEMAND**


Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

  
Christopher C. Myers, #10043-02

  
Ilene M. Smith, #22818-02

  
Nathan D. Hoggatt, #26412-02  
809 South Calhoun Street, Suite 400  
Fort Wayne, Indiana 46802  
Telephone: (260) 424-0600  
Facsimile: (260) 424-0712  
COUNSEL FOR PLAINTIFF



<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To: Agency(ies) Charge No(s):	
<small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		<input checked="" type="checkbox"/> FEPA	EC-0131-A12
		<input checked="" type="checkbox"/> EEOC	24D-2012-00324
<b>City of Fort Wayne Metro Human Relations Commission</b> and EEOC			
<small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
Jonathon L. Anderson		(260) 582-7073	02-04-1979
Street Address		City, State and ZIP Code	
511 Fair Street, Kendallville, IN 46755			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
LMS INTELLIBOUND, INC.		201 - 500	(770) 724-8564
Street Address		City, State and ZIP Code	
6525 The Corners Pkwy, Ste 520, Norcross, GA 30092			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest    Latest 06-18-2012    07-02-2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
I am a qualified black individual who has worked for LMS Intellibound in the shipping/receiving department since April 2012, until I was suspended indefinitely on June 18, 2012. I was falsely accused of stealing a double stick of deodorant and suspended until completion of their investigation. I feel that I have been accused of this crime based on my race, black, because I was told they reviewed the surveillance video and know that I did not do it.  For this reason, I feel that I have been discriminated against because of my race, black, in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <i>Jonathon L. Anderson</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Jul 02, 2012 Date <i>Jonathon L. Anderson</i> Charging Party Signature			

EXHIBIT A

EEOC 101 (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

Jonathon L. Anderson  
511 Fair Street  
Kendallville, IN 46755

From: Indianapolis District Office  
101 West Ohio St  
Suite 1800  
Indianapolis, IN 46204



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1801.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24D-2012-00324

Michelle D. Ware,  
Enforcement Supervisor

(317) 226-5161

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

JUL 31 2012

Enclosures(s)

Webster N. Smith,  
District Director

(Date Mailed)

cc: LMS INTELLIBOUND, INC.  
Attn: Human Resources Director  
6526 The Corners Pkwy  
Ste. 520  
Norcross, GA 30092

EXHIBIT B